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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/082,465	02/25/2002	Moshe Rock	10638-027001	5821

26161 7590 02/20/2004

FISH & RICHARDSON PC
225 FRANKLIN ST
BOSTON, MA 02110

EXAMINER

DAHBOUR, FADI H

ART UNIT	PAPER NUMBER
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3743

DATE MAILED: 02/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/082,465

Applicant(s)

ROCK ET AL.

Examiner

Fadi H. Dahbour

Art Unit

3743

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☐ Claim(s) ____ is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☒ Claim(s) 1-55 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4,5,8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species of the claimed invention. Applicant is required under 35 U.S.C.121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3, 9-12, 15, 31, 39, 43-49 are generic:

Group 1: claims 4, 5, 24; wherein the set of non-conducting warp yarns comprises the relatively more coarse yarns and the set of non-conducting filling or weft yarns comprises the relatively more fine yarns.

Group 2: claims 6, 7, 8, 25; wherein the set of non-conducting filling or weft yarns comprises the relatively more coarse yarns and the set of non-conducting warp yarns comprises the relatively more fine yarns.

Applicant is further required under 35 USC 121 to elect a single disclosed species from the following patentably distinct species of the claimed invention, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3, 9-12, 15, 31, 39, 43-49 are generic:

Group 3: claim 13; wherein the spacing is symmetrical.

Group 4: claim 14; wherein the spacing is asymmetrical.

Applicant is further required under 35 USC 121 to elect a single disclosed species from the following patentably distinct species of the claimed invention, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3, 9-12, 15, 31, 39, 43-49 are generic:

Group 5: claim 16; wherein the material is hydrophilic.

Group 6: claim 17; wherein the material is hydrophobic.

Applicant is further required under 35 USC 121 to elect a single disclosed species from the following patentably distinct species of the claimed invention, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3, 9-12, 15, 31, 39, 43-49 are generic:

Group 7: claim 18; wherein the power source is alternating current.

Group 8: claims 19, 20, 21, 22; wherein the power source is direct current.

Applicant is further required under 35 USC 121 to elect a single disclosed species from the following patentably distinct species of the claimed invention, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3, 9-12, 15, 31, 39, 43-49 are generic:

Group 9: claim 26; wherein the electrical conductor elements comprise at least two yarns.

Group 10: claim 27; wherein the electrical conductor elements comprise conductive paste.

Group 11: claim 28; wherein the electrical conductor elements comprise conductive wire.

Group 12: claim 29; wherein the electrical conductor elements comprise conductive hot melt adhesive.

Group 13: claim 30; wherein the electrical conductor elements comprise a conductive yarn or thread.

Applicant is further required under 35 USC 121 to elect a single disclosed species from the following patentably distinct species of the claimed invention, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3, 9-12, 15, 31, 39, 43-49 are generic:

Group 14: claims 32-33; wherein the attachment is stitching.

Group 15: claim 34; wherein the attachment is sewing.

Group 16: claim 35; wherein the attachment is adhesive.

Group 17: claim 36; wherein the attachment is laminating.

Group 18: claim 37; wherein the attachment is mechanical fastening.

Group 19: claim 38; wherein the attachment is strain relief fastening.

Group 20: claim 23; wherein the attachment is weaving.

Applicant is further required under 35 USC 121 to elect a single disclosed species from the following patentably distinct species of the claimed invention, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3, 9-12, 15, 31, 39, 43-49 are generic:

Group 21: claim 40; wherein the core comprises the electrical conductance heating element and the sheath comprises insulating material.

Group 22: claims 41, 42; wherein the core comprises insulating material and the sheath comprises the electrical conductance heating element.

Applicant is further required under 35 USC 121 to elect a single disclosed species from the following patentably distinct species of the claimed invention, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3, 9-12, 15, 31, 39, 43-49 are generic:

Group 23: claim 50; wherein the source of electric power is alternating current.

Group 24: claims 51, 52, 53; wherein the source of electric power is direct current.

Applicant is further required under 35 USC 121 to elect a single disclosed species from the following patentably distinct species of the claimed invention, for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1-3, 9-12, 15, 31, 39, 43-49 are generic:

Group 25: claim 54; wherein elements of the woven fibrous body are hydrophilic.

Group 26: claim 55; wherein elements of the woven fibrous body are hydrophobic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

2. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
3. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fadi H. Dahbour whose telephone number is 703-306-5479. The examiner can normally be reached on M-F, 9am-5:30pm est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry A. Bennett, can be reached on (703) 308-0101. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.



Fadi H. Dahbour
Examiner
Art Unit 3743